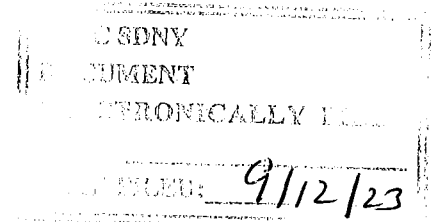


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
 SANDERLING HEALTHCARE, LLC,  
   Plaintiff,

v.

HALEVI ENTERPRISES,  
   Defendants.  
 -----X

**ORDER**

23 CV 3558 (VB)

On April 27, 2023, plaintiff commenced the instant action by filing a complaint. (Doc. #1).

Also on April 27, 2023, plaintiff requested a summons as to defendant, which the Clerk of Court rejected due to a filing error. (Doc. #4). On July 6, 2023, plaintiff again requested a summons as to defendant, which the Clerk of Court issued that same day. (Docs. ##7, 8).

On July 25, 2023, plaintiff filed a letter-motion seeking an extension of time to serve defendant with the summons and complaint. (Doc. #9). In the letter-motion, plaintiff stated the additional time was needed so that plaintiff could determine defendant's updated address as well as whether defense counsel would accept service on behalf of defendant. The same day, the Court granted plaintiff's request and extended plaintiff's time to serve defendant to August 25, 2023. (Doc. #10).

Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure: "If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m).

Therefore, plaintiff's deadline to serve defendant under Rule 4(m) was August 25, 2023. However, to date, plaintiff has not docketed proof of service.

Accordingly, pursuant to Rule 4(m), this action will be dismissed without prejudice unless, on or before **September 19, 2023**, plaintiff either: (i) files on the ECF docket proof of service, indicating defendant was served on or before August 25, 2023; or (ii) shows good cause in writing for plaintiff's failure to comply with Rule 4(m).

Dated: September 12, 2023  
 White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti".

Vincent L. Briccetti  
 United States District Judge